

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

17 Cr. 680 (CM)

MICHAEL WRIGHT, et ano.

AFFIDAVIT

Defendants.

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Alan S. Futerfas, an attorney duly admitted to practice law in the State of New York and before this Court, affirms under penalties of perjury as follows:

1. I am an attorney with offices located at 565 Fifth Avenue, New York, New York, 10017. My firm represents Michael Wright in the above-captioned case. I am fully familiar with the facts and circumstances discussed herein.
2. I submit this affirmation in support of Mr. Wright's motion for an Order: (i) severing Mr. Wright from his co-defendant, Craig Carton under Fed.R.Crim.P. 14(a) and the Fifth Amendment to the U.S. Constitution; (ii) compelling the government to produce *Brady*, *Giglio* and 3500 material, and (iii) joining in Craig Carton's motions and reserving the right to renew the instant motions before trial.
3. I have had discussions with a prospective witness who may be willing to testify for Michael Wright and provide probative exculpatory evidence as to his alleged participation in the charged crimes. Although I have not yet been able to secure an affidavit from the witness for the purposes of this motion, it is clear from my discussions that the witness' testimony would be advantageous to Michael Wright but detrimental to Craig Carton.

4. Attached hereto as Exhibit A is the criminal complaint in this action, sworn to on September 6, 2016.

5. Attached hereto as Exhibit B is the indictment in this action, filed on November 2, 2017.

6. Attached hereto as Exhibit C is the SEC civil action in this action, sworn to on September 5, 2016, (SEC v. Carton et al., 17 cv 6764 (LGS)).

7. Attached hereto as Exhibit D is the indictment in *U.S. v. Joseph Meli et ano.*, 17 Cr. 127 (KMW).

8. Attached hereto as Exhibit E is the complaint filed by Jonathan Davidoff, *Adler v. Molner*, Index No. 154462/2017 (Supreme Court, New York County).

8. Attached hereto as Exhibit F is the affidavit of Jonathan Davidoff, dated May 11, 2018.

WHEREFORE, the requested relief should be granted in its entirety.

Dated: New York, New York
May 18, 2018



Alan S. Futerfas

Sworn to before me this
18th day of May, 2018



ELLEN B. RESNICK
Notary Public, State of New York
No. 02RE6095466
Qualified in New York County
Commission Expires Aug. 19, 2019